

2019 Long Session Legislative Agenda Prioritization

High Priority General Law/Statewide Requests	
REQUEST	BRIEF DESCRIPTION
<p>1. Amend provisions of Chapter 20 of the N.C. General Statutes to:</p> <p>a) require pre-deprivation hearing to determine whether a defendant is able to pay before suspending for failure to pay; and</p> <p>b) provide for automatic restoration of a driver's license after a 12-month suspension period. Currently suspensions are indefinite.</p>	<p>Addresses driver license suspensions due to failure to pay. Lower barriers to employment for justice involved residents, and increase the number of safe, insured drivers.</p>
<p>2. Automatic expunctions for voluntary dismissals (VD) and not guilty (NG) charges</p>	<p>Create a more efficient process to quicken the time for individuals to receive legal relief. Currently approximately 140,000 people; with VD/NGs, eligible for expungement. Many lack financial resources to hire a private attorney to assist with filing the necessary petitions to remove these charges from their records which places a burden on nonprofit and pro bono legal providers.</p>
<p>3. Require firearm owners to report the loss or theft of any firearm as soon as possible after discovery</p>	<p>Reduce gun violence by making it more difficult for guns to pass illegally between persons. The duty to report should be triggered at the time the firearm owner knew, or should have known, that the firearm was lost or stolen.</p>
<p>8. Amend S.L. 2016-88 (H 972 "Law Enforcement Recordings/No Public Record") to authorize city councils to order the release of video footage from law enforcement cameras for cases involving use of force.</p>	<p>N.C.'s current police camera regulations prevent city councils from viewing and authorizing the release of video footage taken by law enforcement, restricting that authority to only the head of the law enforcement agency or courts. This places severe limits on the ability of residents to hold law enforcement accountable through the use of video footage of their interactions. Amending this bill to allow city councils to view and authorize the release of body camera footage in cases involving use of force would greatly increase the transparency and accountability that can be derived by the community from the videotaping of interactions by police.</p>
<p>11. Remove cap on state funding for light rail system</p>	<p>The state of N.C. has implemented an arbitrary cap on the amount of state funding that can be requested for the development of a light rail system. Light rail is critical to a sustainable transportation future in the Triangle and other areas of the state, and this cap should be removed.</p>

High Priority Local Bill Requests

<p>12. Allow electronic speed enforcement to improve safety in school zones and high pedestrian priority zones</p>	<p>Supports the City of Durham’s <i>Vision Zero Initiative</i> to eliminate serious injuries and roadway fatalities. School zones would be applicable during the school’s operational hours, including one hour before and after the end of the school day; during student activities, and up to 30 minutes before and 30 minutes after these activities take place.</p>
<p>13. Reduce speed limits to 25 mph on local residential streets</p>	<p>Pedestrians suffer from more serious injuries when struck by high-speed vehicles than when struck by slower vehicles. Reducing speed limits on residential streets is a major step toward reducing pedestrian crashes and improving safety in residential areas. Many pedestrian crashes would be prevented entirely if drivers are traveling slower since slower vehicles give drivers and pedestrians more time to perceive risk and react. The greater the speed of the road, the more dangerous it is for pedestrians.</p>
<p>14. Provide local authority to acquire or condemn property in fee or appropriate easements for the relocation of non-municipal utilities that conflict with municipal road projects</p>	<p>Non-municipal utilities, either above or below ground, such as electricity, cable, or gas, may exist within existing rights of way, within existing utility easements, or within a future right of way needed for the construction of a City infrastructure project. As part of the delivery of City infrastructure projects, it is often necessary to relocate these existing utilities. In the case of certain utility owners/companies, the City must negotiate the relocation of the companies’ utilities as part of the planning for the City infrastructure project. For projects involving roads, streets, alleys or sidewalks, the City is not expressly authorized to acquire or condemn real property interests for non-municipal utility easements necessary to accommodate utility conflicts and relocation needs, which can result in delaying the project. Current law does, however, give the North Carolina Department of Transportation (NCDOT) this authority pursuant to N.C. Gen. Stat. § 136-19(e). In order to prevent unnecessary delay of City projects it is recommended that the City be provided the same type of authority as the NCDOT for the acquisition or condemnation of property in fee or appropriate easement to accommodate the relocation of non-municipal utilities. This change would allow the City to acquire or condemn, when appropriate, a utility easement (instead of right of way) thereby reducing project costs by reducing the amount and cost of right of way purchases, minimize impacts on adjacent land owners in terms of the future uses of their properties, and speed up project delivery by reducing acquisition time.</p>

High Priority Local Bill Requests (cont.)

15. Provide local authority to reimburse utility owners for the cost of utility relocation without competitive bidding

Depending on the agreements in place between a non-municipal utility owner and the City, such as license agreements, maintenance agreements, or operating agreements; the City may be required to reimburse the non-municipal utility owner for costs associated with the relocation of non-municipal utilities in conflict with a City infrastructure project. Additionally, depending on the agreements in place, there may also be a need for the acquisition of property, in addition to the property needed for the construction of the infrastructure project, to relocate the non-municipal utilities.

The City of Durham is subject to specific bid laws that require competitive bidding, with limited exceptions, when the expenditure of public money for construction and repair work or purchases that equals or exceeds \$30,000. In certain cases, the City has negotiated with non-municipal utility owners for the reimbursement of utility relocation costs when the parties agree the City is responsible for such costs. In these cases, the relocation work, which would be considered construction and repair work, is almost always performed by the non-municipal utility owner, typically through its contractors. This utility relocation work will often exceed the \$30,000 public expenditure threshold that triggers competitive bidding.

The City is seeking local authority that would permit the City to reimburse a non-municipal utility owner for the cost of utility relocation work that may equal or exceed \$30,000 without being subject to the competitive bidding requirements of Article 8 of Chapter 143 of the N.C. General Statutes.

Other General Law/Statewide Proposals of Interest

<p>4. Prevent Reparative Therapy for Minor Children</p>	<p>Conversion therapy is a practice or treatment that seeks to change an individual’s sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. This proposal makes it unprofessional conduct or a ground for discipline for individuals granted a certificate or license to practice medicine or provide counseling or therapy to engage in conversion therapy with a child or to refer a child to a practitioner in another jurisdiction to receive conversion therapy. This proposal would also prevent the Department of Health and Human Services from engaging in conversion therapy with a child or recommending that a child receive conversion therapy.</p>
<p>5. Issue Driver’s License to Undocumented Immigrants</p>	<p>Allow undocumented residents to obtain driver’s licenses with full driving privileges and would not be limited to driving to and from work. Process would ask for potential drivers to follow same steps as other drivers including vision, written and driving test. If license has to be marked differently than a typical license, it should not state resident is undocumented.</p>
<p>6. Repeal N.C. General Statute 95-98 which bans public employee collective bargaining</p>	<p>N.C. is one of only two states (alongside Virginia) that legally prohibit recognition of public employee unions for collective bargaining. Workers who are members of unions and can collectively bargain gain numerous benefits including higher overall wages, better employee benefits, better working conditions, and workplace democracy. A significant number of public employees live in Durham, including 2,400 people who work for the city, as well as thousands of others who work for Durham County, Durham Public Schools, and the state.</p>
<p>7. Remove age/disability restriction on the circuit-breaker property tax exemption and set qualifying income limits to 30% and 60% of AMI.</p>	<p>The “circuit-breaker” property tax exemption limits the amount of annual property taxes the owner pays on their permanent residence. The owner must have both owned the property, and lived in it as their permanent residence, for at least five years. The tax bill is limited to a fixed percentage of income, and any taxes owed above that limit will be deferred until a “disqualifying event” (the death of the property owner; the transfer of the property; or the owner moving to a different permanent residence). Deferred taxes that become due must be repaid with interest, but only the most current 3 years of deferred taxes must be paid at the time of the disqualifying event.</p> <p>Currently, only homeowners who are either 65 years of age or older, or totally and permanently disabled, regardless of age AND whose income meets guidelines (under \$44,400 in 2017) are eligible for this program. Removing the age/disability criteria for the program and allowing the income threshold to be the area median income will allow more people to take advantage of these benefits while also protecting the property tax flows of lower-income areas of the state where a large number of residents are under the current \$44,000 threshold.</p>

Other General Law/Statewide Proposals of Interest (cont.)	
REQUEST	BRIEF DESCRIPTION
9. Allow ranked-choice voting for municipal elections <i>(This could be a local bill as well.)</i>	A ranked-choice voting system is an electoral system in which voters rank candidates by preference on their ballots. Seven states have cities that use ranked-choice voting in elections, and the state of Maine is now using ranked choice for federal elections. N.C. allowed cities to use ranked-choice voting from 2007 to 2012, but this pilot program expired and was not renewed. Ranked-choice voting allows voters to express a full continuum of their preferences in an election, rather than just voting for one candidate, and promotes true democratic representation by giving everyone more opportunity to have their vote count.
10. Allow inclusionary zoning for affordable housing <i>(This could be a local bill as well.)</i>	It is important that both government and the private sector take responsibility for mitigating the housing crisis. Inclusionary zoning requires developers to include a certain number of affordable units in new developments over a certain size. It has been used in gentrifying areas like New York City, Denver, San Francisco, and others, to create and preserve affordable housing options for low-income residents. N.C. does not allow municipalities to implement inclusionary zoning, and cities are hamstrung in conversations with developers about providing for affordability as a result. Allowing cities to require inclusionary zoning for affordable housing would give cities the opportunity to significantly increase access to affordable housing.
Other Local Bill of Interest	
16. Change Durham mayoral term limits	The mayoral term limit in Durham is currently two years. The goal of this request is to increase Durham's mayoral term limit from two years to four years.
Advocacy Items	
17. Support the N. C. League of Municipalities 2019-2020 Municipal Advocacy Goals (w. caveats) Caveat #1 regarding incentive programs – the state incentive program be expanded only along with the establishment of a regular evaluation mechanism so that the effectiveness of our incentive programs can be accurately determined. Caveat #2 regarding disclosure and release of law enforcement recordings - confidentiality agreements should not be required for disclosure to city council.	
18. Increase the statewide minimum wage to \$15 per hour	